

Remarks

The Office Action mailed March 16, 2004 has been carefully reviewed and the foregoing amendment has been in consequence thereof.

Claims 1-33 are now pending in this application. Claims 15-21 are withdrawn. Claims 1-14 and 22-32 are rejected. Claim 33 is newly added. Claims 1-3, 5-9, 11-13, 22 and 25-29 have been amended. No new matter has been added.

In accordance with 37 C.F.R. 1.136(a), a one-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated March 16, 2004 for the above-identified patent application from June 16, 2004 through and including July 16, 2004. In accordance with 37 C.F.R. 1.17(a)(1), authorization to charge a deposit account in the amount of \$110.00 to cover this extension of time request also is submitted herewith. In addition, an authorization to charge a deposit account for the newly added claim is also submitted herewith.

In response to the restriction requirement set forth in the Office Action, Applicant confirms the provisional election made by telephone on March 9, 2004, with traverse, of Group I including Claims 1-14 and 22-32 for prosecution in this case. Group II includes Claims 15-21.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested. The restriction requirement is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicants submit that a thorough search and examination of either claim group would be relevant to the examination of the other group and would not be a serious burden on the Examiner. Indeed, the cited claim groups are encompassed by a single class (Class 705) and it is not evident how the searching of a single class could present an unreasonable burden on the Examiner. Because the claim groups are encompassed by a single class, the assertion that the claim groups have a acquired a separate status in the art because of their different classification is respectfully traversed and submitted to be unsupportable on the present record. Additionally, requirements for election are not mandatory under 35 U.S.C. 121.

For at least the reasons set forth above, Applicant requests that the restriction requirement be withdrawn.

The rejection of Claims 5-14 and 25-28 under 35 U.S.C §112, second paragraph, is respectfully traversed.

Applicants have amended Claims 5-9 and 11-13. Claim 14 depends on Claim 13.

Applicants respectfully traverse the statement on page 3 of the Office Action that Claim 10 has a discrepancy that is similar to reciting a limitation describing information in Claim 5. Applicants respectfully submit that Claim 10 recites a method including tabulating the votes and displaying the tabulated votes to the user.

Applicants respectfully traverse the statement on page 4 of the Office Action that Claim 24 is rejected based on a rationale that Claim 24 further limits the terms “information”. Applicants respectfully submit that Claim 24 defines a configuration of a server.

Applicants have amended Claims 25-28.

Applicants respectfully submit that Claims 5-14 and 24-28 particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Accordingly, Applicants respectfully request that the section 112 rejection to Claims 5-14 and 25-28 be withdrawn.

The rejection of Claims 1-8, 12, 22-25, 29 and 31-32 under 35 U.S.C. § 102(e) as being anticipated by Rosin et al. (U.S. Patent No. 6,028,600) is respectfully traversed.

Rosin et al. describe a method including selectively scrolling through links to selected web pages organized according to templates corresponding to web page content displayed on internet content channels (column 2, lines 58-62). In the method, a user may initially be required to select a general, preferably demographically-based, profile which may provide preselected web links in a predetermined set of categories (column 6, line 65 – column 7, line 1). A particular graphical interface in which these links are presented to the user can also be selected

based upon an experience level and an amount of interactivity desired by the user, which may also be automatically modified over time by an agent to fit the experience level of the user (column 7, line 1 – column 7, line 6). In the method, a selections of topics and links can be viewed as a series of sequences (column 7, lines 40-41). For example, a first set of selected topics are displayed on the screen for the client user (column 7, lines 41-42). One or a plurality of topics in a subset of the first set of topics is selectively highlighted in a first sequential order (column 7, lines 42-44). For example, each succeeding displayed topic would be highlighted in descending order, and then the sequence would begin again at the top of the column of topics (column 7, lines 44-48).

Claim 1 recites a method for gathering information concerning attributes of a product through use of a network-based system including a server and at least one device connected to the server via a network, the method comprising the steps of “receiving information concerning the product from a user via the device; compiling the received information; down-selecting the received information, wherein said down-selecting includes associating subsets of the received information with levels of detail; and displaying the down-selected information relating to the product to the users.”

Rosin et al. do not describe or suggest a method for gathering information as recited in Claim 1. Specifically, Rosin et al. do not describe or suggest down-selecting the received information, wherein down-selecting includes associating subsets of the received information with levels of detail. Rather, Rosin et al. describe selectively scrolling through links to selected web pages organized according to templates corresponding to web page content, selecting a general, preferably demographically-based, profile which may provide preselected web links in a predetermined set of categories, selecting a particular graphical interface in which links are presented to the user based upon an experience level and an amount of interactivity desired by the user, and selectively highlighting one or a plurality of topics in a subset of the first set of topics. Accordingly, Rosin et al. do not describe or suggest associating subsets of the received information with levels of detail. For the reasons set forth above, Claim 1 is submitted to be patentable over Rosin et al.

Claims 2-8 and 12 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-8 and 12 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 2-8 and 12 likewise is patentable over Rosin et al.

Claim 22 recites a system for gathering information concerning attributes of a product, the system comprising “a device; and a server connected to said device and configured to receive product specification information data from a user via said device, said server further configured to: compile the received information; display to the user information related to the product; facilitate a down-selection process of the received information to generate results, wherein to facilitate a down-selection process, said server configured to facilitate an association of subsets of the received information with levels of detail; and display the results of the down-selection on said device.”

Rosin et al. do not describe or suggest a system for gathering information as recited in Claim 22. Specifically, Rosin et al. do not describe or suggest a server configured to facilitate a down-selection process of the received information to generate results, wherein to facilitate a down-selection process, the server configured to facilitate an association of subsets of the received information with levels of detail. Rather, Rosin et al. describe selectively scrolling through links to selected web pages organized according to templates corresponding to web page content, selecting a general, preferably demographically-based, profile which may provide preselected web links in a predetermined set of categories, selecting a particular graphical interface in which links are presented to the user based upon an experience level and an amount of interactivity desired by the user, and selectively highlighting one or a plurality of topics in a subset of the first set of topics. Accordingly, Rosin et al. do not describe or suggest a server configured to facilitate an association of subsets of the received information with levels of detail. For the reasons set forth above, Claim 22 is submitted to be patentable over Rosin et al.

Claims 23-25, 29 and 31-32 depend, directly or indirectly, from independent Claim 22. When the recitations of Claims 23-25, 29 and 31-32 are considered in combination with the recitations of Claim 22, Applicants submit that Claims 23-25, 29 and 31-32 likewise is patentable over Rosin et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-8, 12, 22-25, 29 and 31-32 be withdrawn.

The rejection of Claims 9-11 and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over Rosin et al. in view of Horvitz et al. (U.S. Patent 6,655,963) is respectfully traversed.

Rosin et al. is described above. Horvitz et al. describe a method in which each user's reported attribute values (e.g., item ratings or preferences) may be interpreted as a manifestation of their underlying personality type (column 7, lines 1-4). Personality type may be encoded simply as a vector of the user's "true" values (e.g., ratings) for attributes (e.g., items) in a database (column 7, lines 4-6). Given an active user's known attribute values (e.g., item ratings), a probability that they have the same personality type as every other user may be determined (column 7, lines 8-11). Then, the probability that they will have a given value (e.g., rating) for a valueless (e.g., unrated) attribute (e.g., item) may then be determined based on the user's personality type (column 7, lines 11-14).

Claims 9-11 depend, directly or indirectly, from independent Claim 1 which recites a method for gathering information concerning attributes of a product through use of a network-based system including a server and at least one device connected to the server via a network, the method comprising the steps of "receiving information concerning the product from a user via the device; compiling the received information; down-selecting the received information, wherein said down-selecting includes associating subsets of the received information with levels of detail; and displaying the down-selected information relating to the product to the users."

Neither Rosin et al. nor Horvitz et al., considered alone or in combination, describe or suggest a method for gathering information as recited in Claim 1. Specifically, neither Rosin et al. nor Horvitz et al., considered alone or in combination, describe or suggest down-selecting the received information, wherein down-selecting includes associating subsets of the received information with levels of detail. Rather, Rosin et al. describe selectively scrolling through links to selected web pages organized according to templates corresponding to web page content, selecting a general, preferably demographically-based, profile which may provide preselected

web links in a predetermined set of categories, selecting a particular graphical interface in which links are presented to the user based upon an experience level and an amount of interactivity desired by the user, and selectively highlighting one or a plurality of topics in a subset of the first set of topics. Horvitz et al. describe obtaining an active user's known attribute values, such as item ratings, and determining a probability that the attribute values correspond to the same personality type as every other user. Accordingly, Rosin et al. do not describe or suggest associating subsets of the received information with levels of detail. For the reasons set forth above, Claim 1 is submitted to be patentable over Rosin et al. in view of Horvitz et al.

When the recitations of Claims 9-11 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 9-11 likewise are patentable over Rosin et al. in view of Horvitz et al.

Claims 26-28 depend on independent Claim 22 which recites a system for gathering information concerning attributes of a product, the system comprising "a device; and a server connected to said device and configured to receive product specification information data from a user via said device, said server further configured to: compile the received information; display to the user information related to the product; facilitate a down-selection process of the received information to generate results, wherein to facilitate a down-selection process, said server configured to facilitate an association of subsets of the received information with levels of detail; and display the results of the down-selection on said device."

Neither Rosin et al. nor Horvitz et al., considered alone or in combination, describe or suggest a system for gathering information as recited in Claim 22. Specifically, neither Rosin et al. nor Horvitz et al., considered alone or in combination, describe or suggest a server configured to facilitate a down-selection process of the received information to generate results, wherein to facilitate a down-selection process, the server configured to facilitate an association of subsets of the received information with levels of detail. Rather, Rosin et al. describe selectively scrolling through links to selected web pages organized according to templates corresponding to web page content, selecting a general, preferably demographically-based, profile which may provide preselected web links in a predetermined set of

categories, selecting a particular graphical interface in which links are presented to the user based upon an experience level and an amount of interactivity desired by the user, and selectively highlighting one or a plurality of topics in a subset of the first set of topics. Horvitz et al. describe obtaining an active user's known attribute values, such as item ratings, and determining a probability that the attribute values correspond to the same personality type as every other user. Accordingly, neither Rosin et al. nor Horvitz et al., considered alone or in combination, describe or suggest a server configured to facilitate an association of subsets of the received information with levels of detail. For the reasons set forth above, Claim 22 is submitted to be patentable over Rosin et al. in view of Horvitz et al.

When the recitations of Claims 26-28 are considered in combination with the recitations of Claim 22, Applicants submit that dependent Claims 26-28 likewise are patentable over Rosin et al. in view of Horvitz et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 9-11 and 26-28 be withdrawn.

The rejection of Claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Rosin et al., and further in view of O'Neil et al. (U.S. Patent 6,128,279) is respectfully traversed.

Rosin et al. is described above. O'Neil et al. describe a plurality of network servers which directly handle load balancing on a peer-to-peer basis (column 3, lines 18-20). When any of the servers receives a request, the server either processes the request or routes the request to one of its peers--depending on their respective loads and/or on the contents of the request (column 3, lines 21-24).

Claim 30 depends from independent Claim 22 which recites a system for gathering information concerning attributes of a product, the system comprising "a device; and a server connected to said device and configured to receive product specification information data from a user via said device, said server further configured to: compile the received information; display to the user information related to the product; facilitate a down-selection process of the received information to generate results, wherein to facilitate a down-selection process, said server

configured to facilitate an association of subsets of the received information with levels of detail; and display the results of the down-selection on said device.”

Neither Rosin et al. nor O’Neil et al., considered alone or in combination, describe or suggest a system for gathering information as recited in Claim 22. Specifically, neither Rosin et al. nor O’Neil et al., considered alone or in combination, describe or suggest a server configured to facilitate a down-selection process of the received information to generate results, wherein to facilitate a down-selection process, the server configured to facilitate an association of subsets of the received information with levels of detail. Rather, Rosin et al. describe selectively scrolling through links to selected web pages organized according to templates corresponding to web page content, selecting a general, preferably demographically-based, profile which may provide preselected web links in a predetermined set of categories, selecting a particular graphical interface in which links are presented to the user based upon an experience level and an amount of interactivity desired by the user, and selectively highlighting one or a plurality of topics in a subset of the first set of topics. O’Neil et al. describe balancing loads on a peer-to-peer basis between a plurality of servers. Accordingly, neither Rosin et al. nor O’Neil et al., considered alone or in combination, describe or suggest a server configured to facilitate an association of subsets of the received information with levels of detail. For the reasons set forth above, Claim 22 is submitted to be patentable over Rosin et al. in view of O’Neil et al.

When the recitations of Claim 30 are considered in combination with the recitations of Claim 22, Applicants submit that dependent Claim 30 likewise is patentable over Rosin et al. in view of O’Neil et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 30 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejections of Claims 9-11, 26-28 and 30 are not proper rejections. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combinations. None of Rosin et al., Horvitz et al., or O’Neil et al., considered alone or in combination, describe or suggest the claimed combination.

Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Rosin et al. with Horvitz et al. or O'Neil et al. because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levingood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejections are based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Rosin et al. teach selectively scrolling through links to selected web pages organized according to templates corresponding to web page content, selecting a general, preferably demographically-based, profile which may provide preselected web links in a predetermined set of categories, selecting a particular graphical interface in which links are presented to the user based upon an experience level and an amount of interactivity desired by the user, and selectively highlighting one or a plurality of topics in a subset of the first set of topics. Horvitz et al. teach obtaining an active user's known attribute values, such as item ratings, and determining a probability that the attribute values correspond to the same personality type as every other user. O'Neil et al. teach balancing loads on a peer-to-peer basis

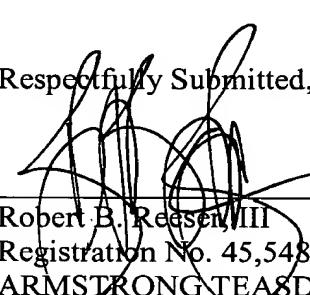
between a plurality of servers. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 9-11, 26-28 and 30 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the rejections of Claims 9-11, 26-28 and 30 under 35 U.S.C. 103(a) be withdrawn.

Newly added Claim 33 depends indirectly from independent Claim 1, which is submitted to be in condition for allowance and is patentable over the cited art. For at least the reasons set forth above, Applicants respectfully submit that Claim 33 is also patentable over the cited art.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Robert B. Reeser III
Registration No. 45,548
ARMSTRONGTEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070



8/10
ANNOTATED MARKED-UP DRAWING

RECEIVED

JUL 23 2004

GROUP 3600

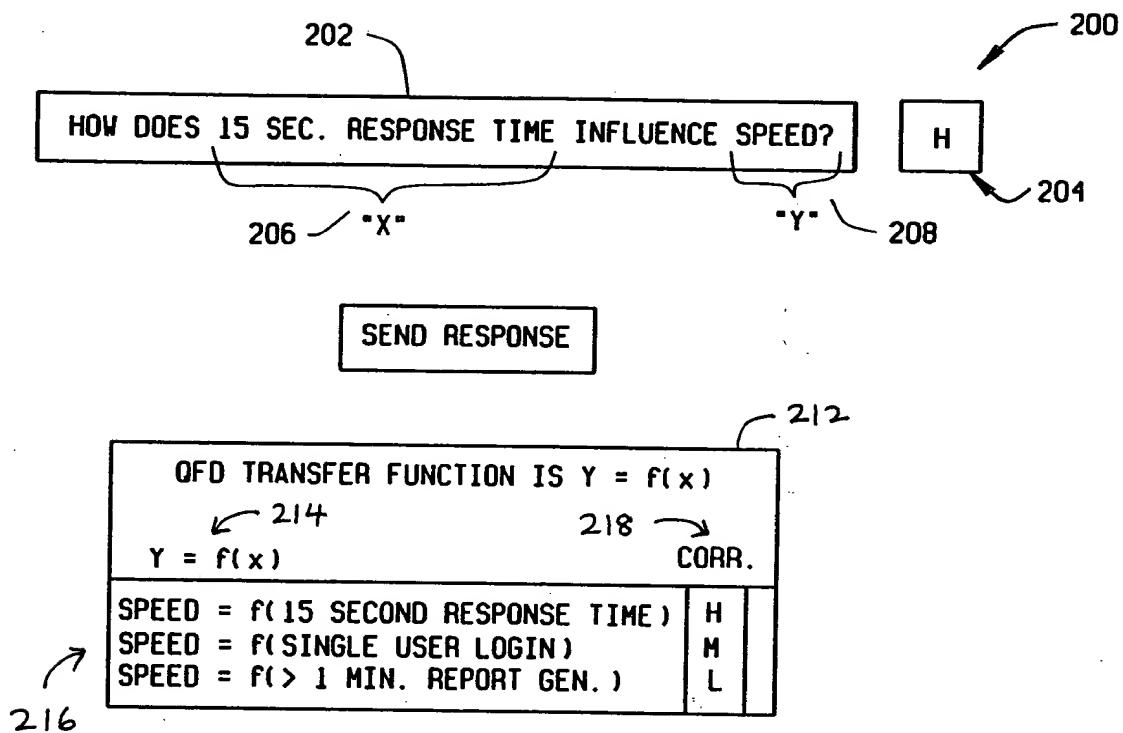


FIG. 13



**9/10
ANNOTATED MARKED-UP DRAWING**

RECEIVED

JUL 23 2004

GROUP 3600

HOW DOES 15 SECOND RESPONSE TIME EFFECT SPEED?

232

230

PLAINVILLE CPTS QFD

HOW THE TOOL WILL ADDRESS THESE NEEDS

238

240

240

236

242 
 
 ACCEPT
 